



General Assembly

**Substitute Bill No. 7299**

January Session, 2017



**AN ACT CONCERNING STRENGTHENING LAWS CONCERNING  
DOMESTIC VIOLENCE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-181d of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) For the purposes of this section, "course of conduct" means two  
4 or more acts, including, but not limited to, acts in which a person  
5 directly, indirectly or through a third party, by any action, method,  
6 device or means, including, but not limited to, electronic or social  
7 media, (1) follows, lies in wait for, monitors, observes, surveils,  
8 threatens, harasses, communicates with or sends unwanted gifts to, a  
9 person, or (2) interferes with a person's property, and "emotional  
10 distress" means significant mental or psychological suffering or  
11 distress that may or may not require medical or other professional  
12 treatment or counseling.

13 (b) A person is guilty of stalking in the second degree when:

14 (1) Such person knowingly engages in a course of conduct directed  
15 at a specific person that would cause a reasonable person to (A) fear  
16 for such person's physical safety or the physical safety of a third  
17 person, or (B) suffer substantial emotional distress; or

18 (2) Such person intentionally, and for no legitimate purpose,  
19 engages in a course of conduct directed at a specific person that would  
20 cause a reasonable person to fear that such person's employment,  
21 business or career is threatened, where (A) such conduct consists of the  
22 actor telephoning to, appearing at or initiating communication or  
23 contact at such other person's place of employment or business,  
24 provided the actor was previously and clearly informed to cease such  
25 conduct, and (B) such conduct does not consist of constitutionally  
26 protected activity.

27 (c) Stalking in the second degree is a class A misdemeanor.

28 Sec. 2. Section 53a-181e of the general statutes is repealed and the  
29 following is substituted in lieu thereof (*Effective October 1, 2017*):

30 (a) A person is guilty of stalking in the third degree when [he] such  
31 person recklessly causes another person to reasonably (1) fear for his  
32 or her physical safety, or (2) suffer substantial emotional distress, as  
33 defined in section 53a-181d, as amended by this act, by wilfully and  
34 repeatedly following or lying in wait for such other person.

35 (b) Stalking in the third degree is a class B misdemeanor.

36 Sec. 3. Section 53a-64aa of the general statutes is repealed and the  
37 following is substituted in lieu thereof (*Effective October 1, 2017*):

38 (a) A person is guilty of strangulation or suffocation in the first  
39 degree when such person commits strangulation or suffocation in the  
40 second degree as provided in section 53a-64bb, as amended by this act,  
41 and (1) in the commission of such offense, such person (A) uses or  
42 attempts to use a dangerous instrument, or (B) causes serious physical  
43 injury to such other person, or (2) such person has previously been  
44 convicted of a violation of this section or section 53a-64bb, as amended  
45 by this act.

46 (b) No person shall be found guilty of strangulation or suffocation  
47 in the first degree and unlawful restraint or assault upon the same

48 incident, but such person may be charged and prosecuted for all three  
49 offenses upon the same information. For the purposes of this section,  
50 "unlawful restraint" means a violation of section 53a-95 or 53a-96, and  
51 "assault" means a violation of section 53a-59, 53a-59a, 53a-59b, 53a-59c,  
52 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-61 or 53a-61a.

53 (c) Strangulation or suffocation in the first degree is a class C felony.

54 Sec. 4. Section 53a-64bb of the general statutes is repealed and the  
55 following is substituted in lieu thereof (*Effective October 1, 2017*):

56 (a) A person is guilty of strangulation or suffocation in the second  
57 degree when such person restrains another person by the neck or  
58 throat or obstructs such other person's nose or mouth with the intent to  
59 impede the ability of such other person to breathe or restrict blood  
60 circulation of such other person and such person impedes the ability of  
61 such other person to breathe or restricts blood circulation of such other  
62 person.

63 (b) No person shall be found guilty of strangulation or suffocation  
64 in the second degree and unlawful restraint or assault upon the same  
65 incident, but such person may be charged and prosecuted for all three  
66 offenses upon the same information. For the purposes of this section,  
67 "unlawful restraint" means a violation of section 53a-95 or 53a-96, and  
68 "assault" means a violation of section 53a-59, 53a-59a, 53a-59b, 53a-59c,  
69 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-61 or 53a-61a.

70 (c) Strangulation or suffocation in the second degree is a class D  
71 felony.

72 Sec. 5. Section 53a-64cc of the general statutes is repealed and the  
73 following is substituted in lieu thereof (*Effective October 1, 2017*):

74 (a) A person is guilty of strangulation or suffocation in the third  
75 degree when such person recklessly restrains another person by the  
76 neck or throat or obstructs such other person's nose or mouth and  
77 impedes the ability of such other person to breathe or restricts blood

78 circulation of such other person.

79 (b) No person shall be found guilty of strangulation or suffocation  
80 in the third degree and unlawful restraint or assault upon the same  
81 incident, but such person may be charged and prosecuted for all three  
82 offenses upon the same information. For the purposes of this section,  
83 "unlawful restraint" means a violation of section 53a-95 or 53a-96, and  
84 "assault" means a violation of section 53a-59, 53a-59a, 53a-59b, 53a-59c,  
85 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-61 or 53a-61a.

86 (c) Strangulation or suffocation in the third degree is a class A  
87 misdemeanor.

88 Sec. 6. Section 53a-222 of the general statutes is repealed and the  
89 following is substituted in lieu thereof (*Effective October 1, 2017*):

90 (a) A person is guilty of violation of conditions of release in the first  
91 degree when, while charged with the commission of a felony, such  
92 person is released pursuant to subsection (b) of section 54-63c,  
93 subsection (c) of section 54-63d or subsection (c) of section 54-64a, and  
94 intentionally violates one or more of the imposed conditions of release.

95 (b) Violation of conditions of release in the first degree is a class D  
96 felony, except that any violation of conditions of release that involve  
97 (1) imposing any restraint upon the person or liberty of a person in  
98 violation of the conditions of release, or (2) threatening, harassing,  
99 assaulting, molesting, sexually assaulting or attacking a person in  
100 violation of the conditions of release is a class C felony.

101 Sec. 7. Section 53a-222a of the general statutes is repealed and the  
102 following is substituted in lieu thereof (*Effective October 1, 2017*):

103 (a) A person is guilty of violation of conditions of release in the  
104 second degree when, while charged with the commission of a  
105 misdemeanor or motor vehicle violation for which a sentence to a term  
106 of imprisonment may be imposed, such person is released pursuant to  
107 subsection (b) of section 54-63c, subsection (c) of section 54-63d or

108 subsection (c) of section 54-64a and intentionally violates one or more  
109 of the imposed conditions of release.

110 (b) Violation of conditions of release in the second degree is a class  
111 A misdemeanor, except that any violation of conditions of release that  
112 involve (1) imposing any restraint upon the person or liberty of a  
113 person in violation of the conditions of release, or (2) threatening,  
114 harassing, assaulting, molesting, sexually assaulting or attacking a  
115 person in violation of the conditions of release is a class D felony.

116 Sec. 8. Section 54-91a of the general statutes is repealed and the  
117 following is substituted in lieu thereof (*Effective October 1, 2017*):

118 (a) No defendant convicted of a crime, other than a capital felony  
119 under the provisions of section 53a-54b in effect prior to April 25, 2012,  
120 or murder with special circumstances under the provisions of section  
121 53a-54b in effect on or after April 25, 2012, the punishment for which  
122 may include imprisonment for more than one year, may be sentenced,  
123 or the defendant's case otherwise disposed of, until a written report of  
124 investigation by a probation officer has been presented to and  
125 considered by the court, if the defendant is so convicted for the first  
126 time in this state or upon any conviction of a felony involving family  
127 violence pursuant to section 46b-38a for which the punishment may  
128 include imprisonment; but any court may, in its discretion, order a  
129 presentence investigation for a defendant convicted of any crime or  
130 offense other than a capital felony under the provisions of section 53a-  
131 54b in effect prior to April 25, 2012, or murder with special  
132 circumstances under the provisions of section 53a-54b in effect on or  
133 after April 25, 2012.

134 (b) A defendant who is convicted of a crime and is not eligible for  
135 sentence review pursuant to section 51-195 may, with the consent of  
136 the sentencing judge and the prosecuting official, waive the  
137 presentence investigation, except that the presentence investigation  
138 may not be waived when the defendant is convicted of a felony  
139 involving family violence pursuant to section 46b-38a and the

140 punishment for which may include imprisonment.

141 (c) Whenever an investigation is required, the probation officer shall  
 142 promptly inquire into the circumstances of the offense, the attitude of  
 143 the complainant or victim, or of the immediate family where possible  
 144 in cases of homicide, and the criminal record, social history and  
 145 present condition of the defendant. Such investigation shall include an  
 146 inquiry into any damages suffered by the victim, including medical  
 147 expenses, loss of earnings and property loss. All local and state police  
 148 agencies shall furnish to the probation officer such criminal records as  
 149 the probation officer may request. When in the opinion of the court or  
 150 the investigating authority it is desirable, such investigation shall  
 151 include a physical and mental examination of the defendant. If the  
 152 defendant is committed to any institution, the investigating agency  
 153 shall send the reports of such investigation to the institution at the time  
 154 of commitment.

155 (d) Any information contained in the files or report of an  
 156 investigation pursuant to this section shall be available to the Court  
 157 Support Services Division for the purpose of performing the duties  
 158 contained in section 54-63d and to the Department of Mental Health  
 159 and Addiction Services for purposes of diagnosis and treatment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	53a-181d
Sec. 2	<i>October 1, 2017</i>	53a-181e
Sec. 3	<i>October 1, 2017</i>	53a-64aa
Sec. 4	<i>October 1, 2017</i>	53a-64bb
Sec. 5	<i>October 1, 2017</i>	53a-64cc
Sec. 6	<i>October 1, 2017</i>	53a-222
Sec. 7	<i>October 1, 2017</i>	53a-222a
Sec. 8	<i>October 1, 2017</i>	54-91a

**JUD**

*Joint Favorable Subst.*